APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,300	01/28/2002	Michael Wayne Brown	AUS920010522US1	5917

7590	09/09/2004	

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EXAMINER
ZHOU, TING

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/058,300	BROWN ET AL.
	Examiner	Art Unit	
	Ting Zhou	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.
2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-24_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-24_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on _28 January 2002_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _1/28/02, 4/10/02_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Strasnick et al.

U.S. Patent 5,555,354.

Referring to claims 1, 9 and 17, Strasnick et al. teach a method, system and program

comprising a graphical user interface (Figures 1 and 2A-2B), detecting at least one type of

activity for an application image associated with an application open in a graphical interface (a

plurality of objects, such as files, having common data attributes are graphically associated, or

represented by a plurality of three-dimensional columns of varying height; also, an activity, such

as changes in the file system, causes corresponding changes in the displayed attributes of the

columns) (column 2, lines 15-32 and column 7, lines 9-18), and graphically adjusting a three-

dimensional height of the application image in the graphical interface to represent the at least one

type of activity, such that the at least one type of activity is graphically distinguished for an

application (as the data attributes of the data in the files represented by a particular column

varies, the height of the three-dimensional column varies accordingly; for example, the height of

the column can represent the file size and the columns of the system dynamically responds to

changes in the file system, such that changes in the size of the files corresponds to changes in the

height of the columns) (column 2, lines 15-32 and column 6, lines 43-67 through 7, lines 1-18).

Referring to claims 2, 10 and 18, Strasnick et al. teach detecting the at least one type of

activity comprises at least one of a z-order of a plurality of open applications and usage of at

least one resource by the plurality of open applications (detecting attributes of the files that the

data cells and columns represents, such as the size of the files, which affects usage of resources

such as processor, memory, or display screen space) (column 6, lines 34-61 and column 7, lines

9-18).

Referring to claims 3, 11 and 19, Strasnick et al. teach graphically adjusting the height of

the application image by at least one level (varying the height of the displayed object to represent

changes in the data attributes of the object) (column 2, lines 15-32 and column 6, lines 43-67

through column 7, lines 1-18).

Referring to claims 4, 12 and 20, Strasnick et al. teach graphically applying at least one

range of shading to illustrate the adjusted height of the application image (using different color

shading to differentiate the plurality of objects in the three-dimensional space) (column 19, lines

15-25).

Referring to claims 5, 13 and 21, Strasnick et al. teach graphically specifying a quantity

associated with the at least one type of activity (a quantity, or numerical value/threshold is

graphically represented by the ground plane) (column 6, lines 62-67 and further shown in Figure

1).

Referring to claims 6, 14 and 22, Strasnick et al. teach graphically specifying the quantity

associated with the at least one type of activity in a graphical representation displayed adjacent to

the application image (the ground plane represents a quantity, or numerical value/threshold and is graphically displayed adjacent to, or underneath the cells and columns) (column 6, lines 62-67).

Referring to claims 7, 15 and 23, Strasnick et al. teach graphically repositioning an ordered location of the application image to represent the at least one type of activity (the displayed objects in the 3D space can be sorted and displayed according to some order or ranking, such as based on the size of the objects) (column 5, lines 16-24 and column 7, lines 3-8).

Referring to claims 8, 16 and 24, Strasnick et al. teach graphically displaying a plurality of application images in an order that represents at least one type of activity measured for each of the plurality of application images (the application images, or cells and column in the 3D display are ordered as a hierarchical model of data file directories with attributes, such as the height and color of the cells and columns representing attributes of the data file they correspond to, such as the size of the files) (column 3, lines 29-36, column 5, lines 16-35 and column 6, lines 33-61).

2.   The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar methods for graphically adjusting an icon or object representing an application corresponding to an activity of the application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328. The examiner can normally be reached on Monday - Friday 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

18 August 2004

CAO (KEVIN) NGUYEN
PRIMARY EXAMINER